



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
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August 24, 2015

Ms. Kelly E. Parrish
1910 Coteau Holmes Rd.
St. Martinville, LA 70582

Re: Board Docket No. 2015-729

Dear Ms. Parrish:

The Louisiana Board of Ethics, at its August 21, 2015 meeting, considered your request for an advisory opinion regarding whether the Code of Governmental Ethics would prohibit you for a period of two years following the termination of your public employment as a court reporter for the 15th JDC from receiving compensation for preparing transcripts of the official proceedings in the 15th JDC, in which you participated in your official capacity as the court reporter during your public service. You stated that you were employed by the 15th JDC as a court reporter assigned to District Judge Durwood Conque's Court from October 31, 2005 until Judge Conque's retirement on December 31, 2015. After your resignation from public employment, in compliance with La. C.C.P. Art 372, you retained a copy of all notes and audio records of the court proceedings. Further, you added that as a licensed court reporter you have a duty to maintain the records of, and generate the transcripts for, all civil and criminal proceedings upon request.

La. C.C.P. Art. 372 provides that court reporters in Louisiana must comply with the following requirements:

1. A court reporter when directed by the court, **shall** report the testimony of all witnesses, the other evidence introduced or offered, the objections thereto, and the rulings of the court thereon.
2. A court reporter **shall** transcribe verbatim, all of his notes taken at the trial, or such portion thereof as is designated. The court reporter **shall** file one copy of the transcript in the trial court; **shall** deliver a copy thereof to each of the parties who has paid therefor; and, when an appeal has been granted, the court reporter **shall** furnish to the clerk of the trial court the number of copies of the transcript required by law.
3. A court reporter **shall** retain all notes and tape recordings in civil cases for a period of not less than five years after the end of the trial.
4. A court reporter **shall** have the duty to retain and maintain all such notes and tape recordings pursuant to the provisions of this Article, although the notes and tape recordings shall remain the property of the court.

5. A court reporter **shall** perform such other duties as are assigned to him by law or by the court.
6. A court reporter **shall** when a party to a proceeding requests a transcript and has paid for the transcript, the court reporter **shall** provide that party with an electronic copy of the transcript along with a paper copy of the transcript at no additional charge or cost to the requesting party.

Further, La. R.S. 13:961.F.(1)(a) provides a fee not to exceed one dollar and fifty cents per thirty-one-line page and twenty-five cents per copy reported and transcribed shall be charged by and be paid to the court reporter who reported and transcribed the testimony.

The Board concluded, and instructed me to inform you, that in this instance, by action of law, La. R.S. 42:1121B(1) would not prohibit you, within two years of the termination of your public employment, from receiving compensation for providing transcripts of testimony taken in your official capacity while you were employed by the 15th JDC, when such transcript is being generated as required by law or court order.

However, the Board instructed me to caution you, that generally La. R.S. 42:1121B(1) would prohibit you, for two years from the termination of your public employment, from rendering any court reporting services or providing assistance in generating any transcripts in subsequent proceedings before your former agency, the 15th JDC, for compensation, on a contractual basis regardless of the parties to the contract, if the action is not related to your prior service as a court reporter.

La. R.S. 42:1121B(1) provides that no former public employee shall, for a period of two years following the termination of his public employment assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he is formerly employed, or for a period of two years following the termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS



Suzanne Quinlan Mooney

For the Board